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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,826	07/10/2001	Ariel S. Rogson	1157-3	9200
20575	7590	03/25/2005	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 1030 SW MORRISON STREET PORTLAND, OR 97205			KNOWLIN, THJUAN P	
			ART UNIT	PAPER NUMBER

2642

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,826

Applicant(s)

ROGSON ET AL.

Examiner

Thjuan P Knowlin

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Rhoads et al (US 6,442,285).
2. In regards to claims 1, 17, 35, 45, and 61, Rhoads discloses a broadcast receiver (pocket-sized FM radio), method, portable music device, and radio receiver to identify a performance on the broadcast receiver, the broadcast receiver comprising: a passive title receiver designed to passively receive a title of the performance without actively requesting the title of the performance; storage (non-volatile RAM memory) within the broadcast receiver for the title of the performance; title presentation means for presenting the title to a user; and a performance receiver designed to receive the performance (col. 8-9 lines 65-3 and col. 9 lines 12-25).
3. In regards to claim 2, Rhoads discloses a broadcast receiver, wherein the performance receiver and the passive title receiver are combined in a single receiver (col. 9 lines 12-25).

4. In regards to claims 3, 36, and 52, Rhoads discloses a broadcast receiver, portable music device, and method, further comprising title request means for the user to request the title be presented (col. 9 lines 20-25).

5. In regards to claims 4, 29, 37, 46, and 47, Rhoads discloses a broadcast receiver, method, and portable music device, wherein the title presentation means is responsive to the title request means (col. 9 lines 20-25).

6. In regards to claims 5, 30, 38, 43, 53, and 62, Rhoads discloses a broadcast receiver, method, portable music device, and radio receiver wherein the title request means includes a button ("capture" button) on the broadcast receiver (col. 8 lines 16-24).

7. In regards to claims 6, 27, 31, 32, and 58, Rhoads discloses a broadcast receiver and method, wherein the title request means includes a speech recognition device responsive to the user's voice (col. 8 lines 57-64).

8. In regards to claims 7, 8, 9, 10, 22, 23, 24, 25, 39, 40, 49, 50, 51, and 63, Rhoads discloses a broadcast receiver, method, portable music device, and radio receiver, wherein the title presentation means includes a display (LCD screen) to present the title visually to the user (col. 9 lines 4-7).

9. In regards to claims 11, 26, 28, 41, and 64, Rhoads discloses a broadcast receiver, method, portable music device, and radio receiver, wherein the title presentation means includes a speech generating device to recite the title to the user (col. 9 lines 20-25).

10. In regards to claims 12, 21, 33, 34, 42, and 48, Rhoads discloses a broadcast receiver, method, and portable music device, further comprising title saving means for the user to request the title be saved beyond a termination of the performance (col. 8 lines 38-48).

11. In regards to claims 13 and 44, Rhoads discloses a broadcast receiver and portable music device, wherein the title saving means includes a second storage within the broadcast receiver to store the title beyond the termination of the performance (col. 8-9 lines 65-3).

12. In regards to claim 14, Rhoads discloses a broadcast receiver, further comprising title selection means to toggle between a first part and second part of the title of the performance (col. 10 lines 3-21).

13. In regards to claims 15, 16, 18, 19, and 20, Rhoads discloses a broadcast receiver and method, wherein the passive title receiver is designed to receive the title of the performance in a sideband of a radio-frequency signal (col. 5 lines 41-48, col. 7 lines 26-30, and col. 9 lines 26-32).

14. In regards to claims 54, 55, 56, and 57, Rhoads discloses a medium designed to contain a recording of a performance and a title of the performance, the medium drawn from a set including a compact disc, a videocassette, and an audiocassette tape (col. 3 lines 38-49 and col. 10 lines 3-13).

15. In regards to claims 59 and 60, Rhoads discloses a method, wherein receiving the title of the performance includes receiving a typed title of the performance via a keyboard (col. 8 lines 31-37).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Looney et al (US 6,232,539) teach a music organizer and entertainment center.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703) 308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin



**BING Q. BUI
PRIMARY EXAMINER**